IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

APPEAL FROM ORDER NO.826 OF 2005

WITH

CIVIL APPLICATION NO.968 OF 2005

Vijay Siddhanath Agnihotri. ...Appellant.

Vs.

Ajitkumar S.Agnihotri & Ors. ...Respondents.

.....

Mrs.S.A.Dhamale for the Appellant.

Mr.R.U.Singh with Vijaykumar Sharma for the Respondents. .....

CORAM : DR.D.Y.CHANDRACHUD, J.

November 28,2005.

P.C. :

This appeal was adjourned on several occasions since 30th September 2005 on the ground that parties were intending to arrive at a settlement. No settlement has been possible.

The Learned Trial Judge has noted that the property which consists of a Pan Shop stands in the

name of the father who was not impleaded as a party to the suit. Subsequently on the strength of an ad-interim order passed by the Trial Court, a Contempt Notice of Motion was taken out inter alia against the father who was admittedly not a party to the proceedings. The order of the Learned Trial Judge dismissing the Notice of Motion, therefore, cannot be faulted. While disposing of this appeal, it is clarified that in the event that any settlement between the parties is arrived at, the parties will be at liberty to approach the Trial Court for recording the terms of settlement. The appeal is accordingly disposed of.

In view of the disposal of the appeal, the Civil Application is rendered infructuous and is accordingly disposed of.

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